

PATENT  
Customer No. 22,852  
Attorney Docket No. 2356.0073-01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
SUERBAUM et al. ) Group Art Unit: 1647  
Serial No.: 09/015,078 ) Examiner: S. Turner  
Filed: July 27, 2001 )  
For: CLONING AND )  
CHARACTERIZATION OF THE )  
fiba GENE OF H. PYLORI, )  
PRODUCTION OF AFLAGELLATE )  
STRAINS

#21  
M/2  
8/20/02

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**RESPONSE TO SEQUENCE LISTING COMMUNICATION**

On November 15, 2001, the Office issued a communication indicating that the sequence listing filed in this application on August 23, 2001, does not comply with the sequence listing requirements. This paper responds to the November 15, 2001, communication.

In the communication, the Office indicated that the sequence listing filed on August 23, 2001, did not comply with the requirements set forth for applications with an effective filing date on or after July 1, 1998. As this application has an effective U.S. filing date of June 28, 1996, it is not required to comply with the new sequence listing format. Additionally, the Office incorrectly substituted the filing date of the sequence listing (August 23, 2001) for the correct filing date of this continued prosecution

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application (July 27, 2001) on the Raw Sequence Listing. Please make the necessary correction to the Raw Sequence Listing held at the U.S.P.T.O.

Applicants courteously request that the Office withdraw the objections to the sequence listing and continue the examination of this application. If there is any fee due in connection with the filing of this response or if any extension of time is required, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 10, 2001

By: Rebecca M. McNeill  
Rebecca M. McNeill  
Reg. No. 43,796

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2356.0073.0)

KJM/SML

**PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:**In Re Application of: **Sebastian SUERBAUM et al.**

Serial No.: 09/015,078

Group Art Unit: 1647

Filed: January 29, 1998

Examiner: S. TURNER

CPA Filed: July 27, 2001

For: **CLONING AND CHARACTERIZATION OF THE *fibA* GENE OF *H. PYLORI*,  
- PRODUCTION OF AFLAGELLATE STRAINS**

## 1. Response to Sequence Listing Communication

Dated: December 10, 2001

Docket No.: 02356.0073-01

RMM/amb

Due Date: December 15, 2001*Please return to Adrienne Brown - Mail Drop 320**AB Brown 3*

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**FACSIMILE TRANSMITTAL**

**TO**

**Name:** Examiner Sharon Turner      **Phone No.:** 703-308-0056  
**Firm:** U.S. Patent and Trademark Office      **Date:** August 16, 2002  
**Fax No.:** 703-746-3141  
**Subject:** U.S. Patent Application No. 09/015,078

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**FROM**

**Name:** Scott M. Lee      **Phone No.:** (202) 408-6073  
**Fax # Verified by:** D. Beckford-Harris      **# Pages (incl. this):** 6  
**Our File No.:** 02356.0073-01

**Confirmation Copy to Follow: NO**

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**Message:**

Further to your discussion with Ken Meyers, please find a copy of our letter dated August 5, 2002, and attachments.

If there is a problem with this transmission, notify fax room at (202) 408-4174 or the sender at the number above.

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August 5, 2002

ATTORNEY DOCKET NO. 2356.0073-01  
CUSTOMER NO. 22,852

Examiner Sharon Turner  
U.S. Patent and Trademark Office  
Washington, DC 20231

VIA FACSIMILE

U.S. Patent Application No. 09/015,078  
Title: CLONING AND CHARACTERIZATION OF THE *fibA* GENE OF *H. PYLORI*, PRODUCTION OF AFLAGELLATE STRAINS  
Inventors: Sebastian SUERBAUM et al.

Dear Examiner Turner:

As you requested, please find attached a copy of the Response to Sequence Listing Communication, which was timely filed in the PTO on December 10, 2001, as indicated on the attached copy of the stamped postcard receipt.

As described in the Response, the Notice to Comply incorrectly indicated that this application failed to comply with the requirements set forth for applications with an effective filing date on or after July 1, 1998. This application has an effective U.S. filing date of June 28, 1996. Therefore, the requirements do not apply to this application.

ATTORNEY DOCKET NO. 2356.0075-01  
CUSTOMER NO. 22,852

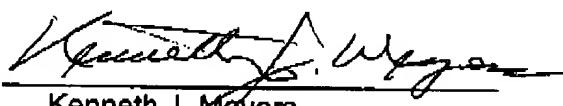
FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

Examiner Sharon Turner  
August 5, 2002  
Page 2

Applicants request the timely reconsideration and reexamination of this application and allowance of the pending claims.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:   
Kenneth J. Meyers

Reg. No. 25,146

KJM/AML/doh

Enclosures

- Response to Sequence Listing Communication
- Postcard Stamped on December 10, 2001